SENATE BILL REPORT SB 5304

As of January 19, 2001

Title: An act relating to exposure to chemicals in the course of employment.

Brief Description: An act relating to exposure to chemicals in the course of employment.

Sponsors: Senators Fairley, Oke, Costa, Kline, Prentice, Roach, Patterson, Kastama and

Regala.

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 1/22/01.

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Staff: Elizabeth Mitchell (786-7430)

Background: In order to receive workers' compensation benefits, a worker must establish that (1) he or she has an injury or occupational disease; and (2) the condition is work-related. There is concern that injured workers who have a chemically related illness may have difficulty establishing that their condition is work-related.

Summary of Bill: A worker who is exposed to hazardous chemicals on the job is presumed to be eligible for workers' compensation benefits if the worker establishes: (1) he or she has suffered harm or pain; and (2) an accident occurred or working conditions existed which could have caused that harm or pain.

This presumption may only be challenged by substantial evidence that the worker either has no physiological symptoms or that the worker's symptoms are not caused or aggravated by workplace conditions.

Hazardous chemical—is defined according to Occupational Safety and Health Administration (OSHA) standards. The new presumption applies to all claims in which exposure occurs on or after the effective date of the bill.

Appropriation: None.

Fiscal Note: Requested on January 18, 2001.

Effective Date: The bill contains an emergency clause and takes effect immediately.